**South Carolina General Assembly**

125th Session, 2023-2024

**S. 1020**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Senn and Gustafson

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Introduced in the Senate on February 6, 2024

Currently residing in the Senate Committee on **Judiciary**

Summary: Tire Dumping

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/6/2024 Senate Introduced and read first time (Senate Journal‑page 3)

 2/6/2024 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 3)

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**VERSIONS OF THIS BILL**

[02/06/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/1020_20240206.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16‑11‑705 SO AS TO PROVIDE FOR THE CRIME OF ILLEGAL TIRE DUMPING, TO DEFINE RELEVANT TERMS, AND TO SET FORTH CRIMINAL PENALTIES AND FINES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 6, Chapter 11, Title 16 of the S.C. Code is amended by adding:

 Section 16‑11‑705. (A) For purposes of this section:

 (1) “Tire” means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle, trailer, or motorcycle, as defined in Section 56‑3‑20. It does not include an industrial press‑on tire, with a metal or solid compound rim, which may be retooled.

 (2) “Transport” means the actual or constructive possession of fifteen tires or more at one time for purposes of hauling, moving, delivering, disposing of, or taking from one location to another.

 (3) “Waste tire” means a whole tire or any portion thereof that is no longer used for its originally intended purpose, including a tire that has been discarded by any owner or user, regardless of whether the tire has any remaining useful life.

 (4) “Waste tire collection facility” means a permitted facility or a facility exempted from the permit requirement, used for the temporary storage of waste tires.

 (B) It is unlawful for a person, from a vehicle or otherwise, to dump, throw, drop, deposit, discard, spill, place, store, or otherwise dispose of a tire or waste tire upon waters or upon public or private property in the State of which property he is not the legal owner or a person otherwise granted permission by the legal owner including, but not limited to, a highway, park, beach, campground, forest land, recreational area, trailer park, road, street, private dumpster, public dumpster, or alley except:

 (1) on property designated by the State for the disposal of tires or waste tires and other solid waste and the person is authorized to use the property for that purpose; or

 (2) into a tire recycling receptacle or at a waste tire collection facility.

 (C) Responsibility for the removal of waste tires from property or receptacles is upon the person convicted pursuant to this section of tire dumping upon the property or in the receptacle. If there is no conviction for tire dumping, then the responsibility is upon the owner of the property.

 (D) A person who violates the provisions of this section commits the crime of tire dumping and:

 (1) if the tire dumping involves an amount of less than fifteen tires, is guilty of misdemeanor and, upon conviction, must be fined not more than four hundred dollars or imprisoned for not more than ninety days, or both;

 (2) if the tire dumping involves an amount of more than fifteen tires but less than fifty tires, is guilty of a misdemeanor and, upon conviction, must be fined not more than six hundred dollars or imprisoned not more than one year, or both;

 (3) if the tire dumping involves an amount of more than fifty tires, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than three years, or both; or

 (4) for a second or subsequent offense, regardless of the amount of the tires, is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned for not more than ten years, or both.

 (E)(1) Any person who transports more than fifteen waste tires at one time shall document the transport of the tires using a South Carolina Waste Tire Manifest, or other document approved by the Department of Environmental Services.

 (2) Any person who transports waste tires without using a South Carolina Waste Tire Manifest or any other documentation required by the South Carolina Department of Environmental Services for the transportation or hauling of waste tires is guilty of a misdemeanor and, upon conviction, must be fined two hundred and fifty dollars or imprisoned not more than thirty days, or both.

SECTION 2. Section 44‑96‑170(S) of the S.C. Code is amended to read:

 (S)(1) The department shall establish by regulation recordkeeping and reporting requirements for waste tire haulers and collection, processing, recycling, and disposal facilities.

 (2) No waste tire hauler may transport waste tires without a valid waste tire hauler decal from the Department of Environmental Services. The Department of Environmental Services shall design a distinctive decal for waste tire haulers. The decal must be displayed on the exterior of the rear of the waste tire hauler’s vehicle in a conspicuous place.

 (3) The waste tire hauler decal shall reflect the registration number and expiration date issued by the Department of Environmental Services. The Department of Environmental Services shall promulgate such regulations as may be necessary to implement the provisions of this section.

SECTION 3. This act takes effect upon approval by the Governor.

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